

Heldenfels, Leane

KL
37

From: Lorraine Atherton [REDACTED]
Sent: Monday, November 14, 2016 7:51 AM
To: Heldenfels, Leane
Subject: Reconsideration C15-2016-0087, 2001-2003 S. Lamar, ZNA opposes
Attachments: 2001-03 SLamar Reconsid Zexhibits.pdf; 2001-03 SLamar Reconsid Zletter.pdf

Good morning, Leane.

This is regarding the reconsideration of the variance denied at 2001 & 2003 S. Lamar, C15-2016-0087, scheduled for the Board of Adjustment tonight. Attached is a letter of opposition from the Zilker Neighborhood Association Executive Committee along with an exhibit.

Please include the letter and exhibit in the Board's backup material and in the file for this case.

Many thanks,

Lorraine Atherton
(512-447-7681)

Zilker Neighborhood Association

♦ 2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681 ♦

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November 14, 2016

Board of Adjustment
City of Austin Watershed Protection and
Development Review Dept.

Re: Reconsideration of revised Variance request C15-2016-0087, 2001-2003 South Lamar

Dear Chairman and Board Members:

The Zoning Committee of the Zilker Neighborhood Association is opposed to this reconsideration of the variance previously denied at 2001 and 2003 S. Lamar, C15-2016-0087. No new information has been presented. The applicant still has not established that the compatibility setback overlaps the buildable area. It has not been shown that the setback deprives the applicant of anything at all. The variance request is still essentially a rezoning request, because the applicant has not proposed a use that is allowed under the current zoning. If the applicant wants to build an apartment building that requires a zoning change, ZNA will be happy to work with the owner on that rezoning (or with any other property owner in this area), but a mixed use project designed to the VMU standards probably would be a better fit.

The current zoning is CS-VMU. The introduction to the VMU part of the Land Development Code (25-2 Subchapter E, Article 4) says:

To allow flexibility in administering this Subchapter, this Article includes a "minor modification" provision that allows for City staff to approve small deviations from otherwise applicable standards in order to protect natural or historic features or to address unique site conditions.

The Article also encourages creativity and innovative design by allowing an applicant to propose an alternative approach to meeting the standards of the Subchapter through the "alternative equivalent compliance" provision.

It follows that if the applicant submits a plan that meets current commercial and VMU design standards, the project will be allowed more than enough flexibility to avoid the variance requirement.

There is one significant factor that the Board did not consider at the previous hearing. The South Lamar Corridor Plan recommends that the intersection of W. Mary and S. Lamar be reconfigured to remove the right turn lane in front of these three properties. That change will

improve the property's access to South Lamar and provide even more flexibility for redevelopment.

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The variance request still does not meet any of the findings:

Reasonable Use. The Board's rules state: "The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning." Even if the proposed use were allowed, the definition of "reasonable use" cannot be extended to include new construction that can easily be designed within existing code.

Hardship unique to the property. The existence of remnants of SF-3 zoning within or near the floodplain is general to the area between South Lamar and the railroad tracks and West Bouldin Creek, including Evergreen, West Mary, West Oltorf, Thornton, and so on. Attached to this letter are three maps illustrating the history of the zoning in this area. ZNA has worked on at least 9 similar cases in this area. Most of them have been resolved by rezoning, including the rezoning of 2003 S. Lamar in 2006. The Board has received letters of opposition from nearby commercial property owners who have had to design their projects within existing code.

Area Character. The purpose of the Vertical Mixed Use overlay is to facilitate a combination of residential and small retail mixed uses. Mr. Smith is proposing to demolish existing small retail and office buildings and replace them with a large monolithic apartment building. Variances such as these will impair the purpose of the VMU overlay, which the ZNA general membership and the City Council supported in order to encourage mixed use redevelopment in appropriate areas.

Please continue to deny this variance.

Thank you for your service on the Board of Adjustment.

Sincerely yours,



Lorraine Atherton.

on behalf of the ZNA Executive Committee

A SUBDIVISION BY CHAS. WENDLANDT AND W. STAENELY OF THE
GEO. GLASSCOCK ET AL. 100 AC TRACT OUT OF THE ISAAC DECKER
LEAGUE IN TRAVIS COUNTY TEXAS.

Scale: 1 inch = 100 ft

Subdivided March 27-31 1930 by
WV Homeyer County Surveyor.
Travis County, Austin Texas.

Recommended for Approval by
City Plan Commission : --

Don E. Hake
City Engineer

Approved by City Plan
Commission April 8, 1952

For Chairman

W. G. Williams, Secy.
X 300,751

J. H. Remy

[illegible]

CUCHIA SITE PLAN

SP-06-06762

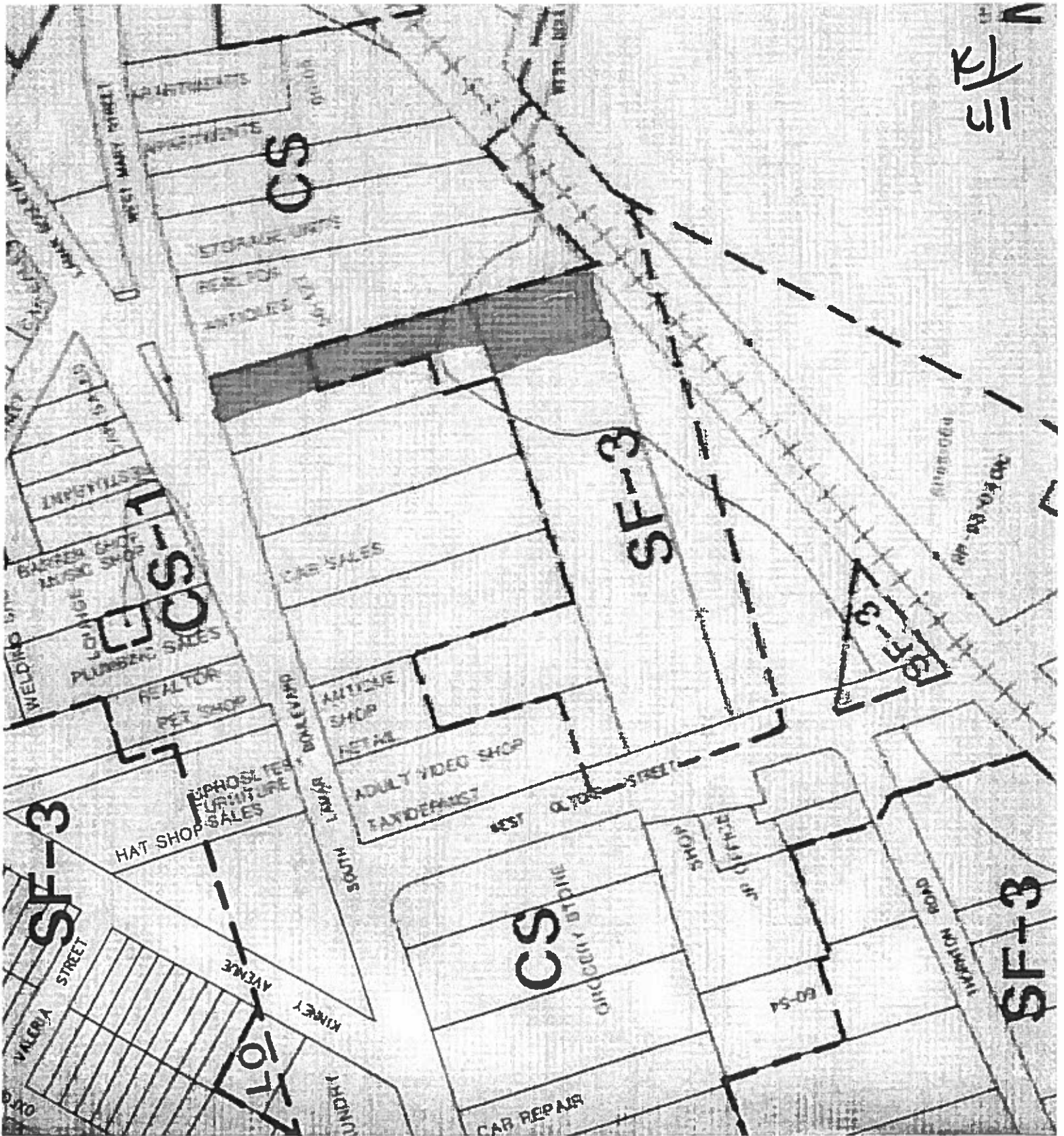
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Filed April 13 1932 3:30 PM
-RECORDED AND INDEXED- 5 30 PM

11.5 A
THORNTON 130 915

- hands this the 10th day of April 20, 1933
 the Chamberlains
 W. H. L.

1. What is the purpose of the book?
 The purpose of the book is to provide a comprehensive overview of the current state of the art in the field of artificial intelligence, and to discuss the challenges and opportunities that lie ahead.



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SF-1

SF-3

SF-3

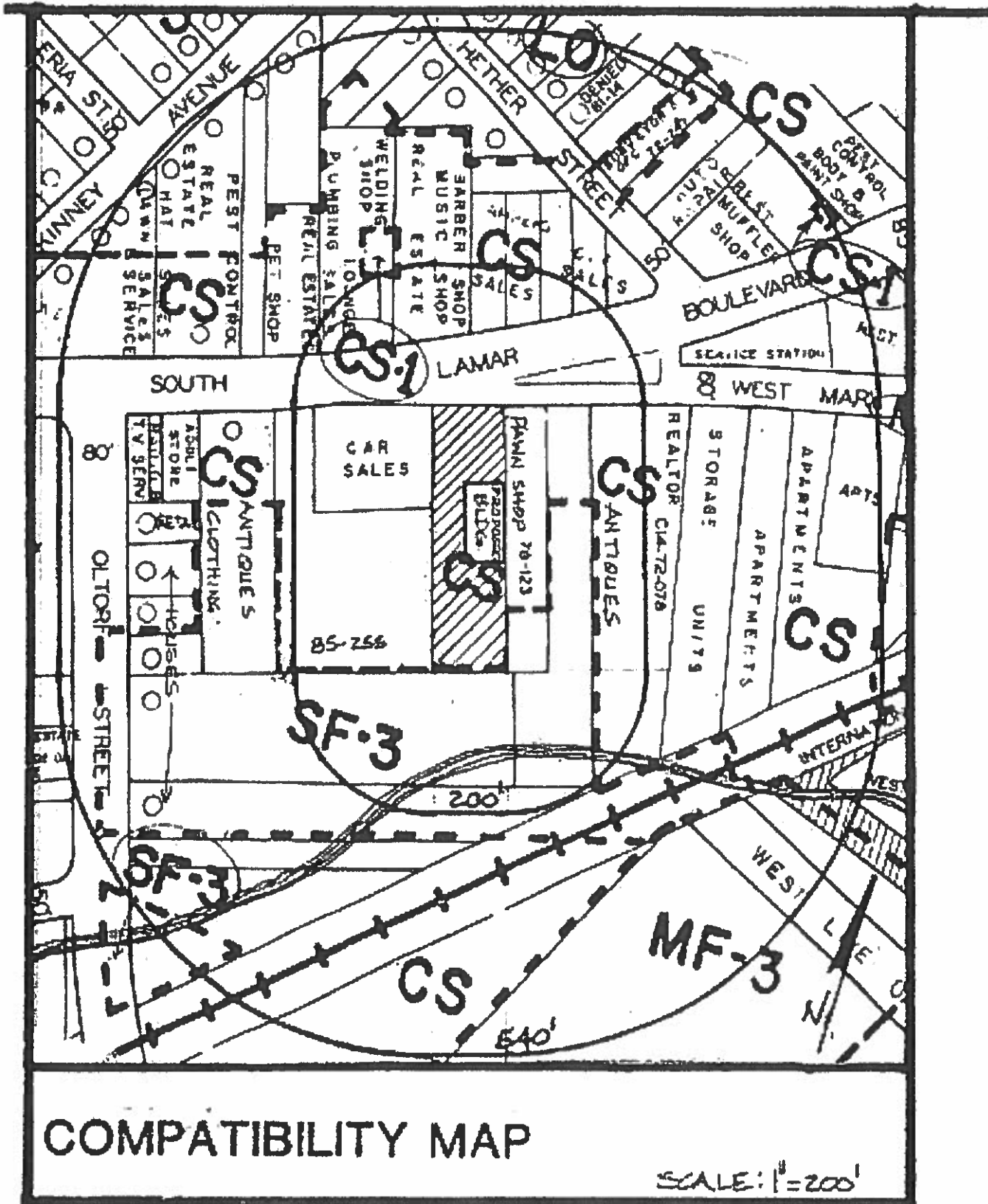
CS

SF-3

SF-3

SUBMITTAL DATE: 1-19-89
 WATERSHED: West Boul
 Exempt St
 SITE PLAN NO: SP-89-0011C
 DEVELOPMENT PERMIT N

41
 42



COMPATIBILITY MAP

SCALE: 1" = 200'

Heldenfels, Leane

From: Baker, Brett C. [REDACTED]
Sent: Wednesday, November 09, 2016 4:14 PM
To: Heldenfels, Leane
Subject: Public Hearing; Case Number C15-2016-0087, 2001 and 2003 South Lamar
Attachments: PublicHearing.pdf

KL
43

Good afternoon Leane,

I am an interested party in the above referenced case, and I have attached my opinion and comments on the matter.
Thank you for your time.

Brett C Baker
Systems Administrator
McGINNIS LOCHRIDGE
600 Congress
Austin, Texas 78701
o 512-495-6197 f 512-495-6093



McGINNIS LOCHRIDGE

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12/17/11

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend.** However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2016-0087, 2001 and 2003 South Lamar
Contact: Leanne Heldentfels, 512-974-2202, leanne.heldentfels@austintexas.gov
Public Hearing: Board of Adjustment, November 14th, 2016

BRETT BAKER

Your Name (please print)

☐ I am in favor
☒ I object

1329 W. MARY ST. Apt. 105, 78704

Your address(es) affected by this application

~~1329 W. Mary St.~~

Signature

Date

Daytime Telephone: (512) 673-9636

Comments: Austin receives energy income through property taxes, especially in this area. There is absolutely no need for more residential property on canvas. There is already enough condos/apartments, we're losing our culture to those condos, which is exactly what we need to go preserving. Keep Austin weird!

Comment must be returned by noon the day of the hearing to be seen by the Board at this hearing. They may be returned via:

Mail: City of Austin-Development Services Department 1st Floor
Leanne Heldentfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed prior to the hearing to be received timely)

Fax: (512) 974-6305
Email: leanne.heldentfels@austintexas.gov

Heldenfels, Leane

From: Tyler Grooms [REDACTED]
Sent: Monday, November 07, 2016 10:59 AM
To: Heldenfels, Leane
Subject: RE: Objection to Case C15-2016-0087, 2001 and 2003 S Lamar Blvd

121
45

Leane,

Just wanted to confirm we are still in support of this variance request per the terms below for the developer's November 14 hearing.

Tyler Grooms | Principal | Manifold Real Estate
(619) 818-0151 | [REDACTED]
PO Box 200463 Austin, TX 78720 | www.manifoldre.com

From: Tyler Grooms
Sent: Wednesday, October 12, 2016 10:24 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: RE: Objection to Case C15-2016-0087, 2001 and 2003 S Lamar Blvd

Leanne,

Thanks. These are the plans the developer showed us and explained why they need the variance. We are in support of the request conditioned on this use (apartments) and substantially the same plans as these. Please consider our support for these plans in the hearing on 11/14.

Thanks again!

Tyler Grooms

Yes, current plans are for apartments, originally application said storage but that application was revised. To take a look at the plans submitted go to austintexas.gov, then click on development, then click on 2nd paragraph heading (Search case and permit information), then input address of case number and click submit. Then open the BA case and scroll down to attachments and open the 10/10 hearing back up.

Here's a link to the search case and permit info page, too:

https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp

I believe it will be reconsidered at the Board's 11/14 hearing if you want to submit and comments pro or con via email to me.

Take care,

Leane Heldenfels

Heldenfels, Leane

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BRETT BAKER

Your Name (please print)

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Your address(es) affected by this application

Brett Baker

Signature

Daytime Telephone: (512) 673-9636

Date

2/20/07

Comments: *Austin receives enough income*

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